conspiracy. You have discrimination, cantor and course. You have need to exercise them all. You course, you have need to exercise them all. You cannot escape present censure, whother you find the defendants guilty or innocent. But if your vertice to a truthful one, it will find its vindication in his tory.

Gentlevier, I want a clear understanding of what we are about, of what we are trying. The Clerk

Gentleviers, we are about of what we are trying. The Clerk we are about of what we are trying. The Clerk we are about one of it from his minutes every has read a learning. Let him read it once more. (there the armore, the minutes mental There,

party and a manufalling a design to burn the depot at petron.

It was in vain that we opposed the order of that evidence, in vain we said it related to crimes that, even if committed by the defendants, could not be proved against them under this indictment—that if hey burned it, or procured it to be burned, it was no matter whether they conspired to do it or not—that if they neither burned the depot nor procured it to be burned, then they could not or convicted here, even though they had conspired that at least the proof of these alleged felonies ought to be re-ected until after the existence of such conspiring should have been established. The Court overruiedus, as you must asserne, rightly, and we must for the present acquiesce. So the proof came, tumbing in, helter skelter, and we must now remove it out of the way.

Let us understand clearly what is demanded of

acquiesce. So the proof came, tembing in, helter skelter, and we must now remove it out of the way. Let us understand clearly what is demanded of the defendants in regard to this portion of the case. We are to show you, not that the alleged trespasses were not committed, nor that the alleged meetings were not held, nor that the alleged menaces were not attered, but that all the trespasses, meetings and menaces which have been proved, so not establish the fact of a conspiracy by the defendants to destroy all the property of the Michigan Central Railroad, for even to destroy the depot at Detroit. When this shall have been demonstrated, this question of conspiracy will clearly appear to be a faise assue and will fall out from the case.

The testimony, under this head, presents. I. Overt acts. 2 Meetings and consultations. 3 Menaces and declarations by defendants.

In examining these several classes of evidence, we will apply two principles, viz. Whatever does not lead at all to the conclusion that a conspiracy existed must be rejected. 2 Windever looks that way, and yet may easily be explained on a hypothesis different from that of conspiracy, must also be rejected. 1. Overt Acts. I divide these into two classes. I. Those which were committed by persons not now identified and which were attended by circumstances which remain onesplained. 2. Those which were committed by persons claimed to be identified as defendants, and the circumstances attending which are explained.

Trespass. Stones were thrown at the carson that Trespass. Stones were involved at the strong their passage, at a time out specified. A lonzo Holmes says "I was confined at home. They came in and and the care had been stoned." This is all. The fact is proved by hearsay only, which is no proof at

asimony charges nobody with the assault. The fact is proved by hearsay only, which is no proof at all.

3d. Treapass. A second instance is proved by Levi Catter. This occurred in June, 40, fifteen rods east of Leoni. The witness says "that somes were thrown, that he put on the breaks, that he heard the stones strike the cars, that the passangers a remand, that a lady handed him a stone that had fallen in her tap, that a gestleman was struck in the breast and severely furt." This evidence charges nobody that is it charges everybody and therefore charges nobody.

3d. Trespass. Proved by the same witness. This occurred also near Looni village. The witness says "stones were thrown from husbes by eight or ten persons. One stone i think struck the engine." And that is all.

4th. Trespass. An assault of the cars by stones proved by John 11. Dexter. "I was sitting in my room, the cars came along. I heard glass rative. I went down and out. Itoid Filly that stones had been thrown into the parior. I found Fitch, Filly and Corwin out towards the railroad, the 'Price boys' had been there be one; i went to bed, there was glass on the track next day." Gentlaman, you know that Fitch, Filly and Corwin all lived hard by. It is true they may have gone out from currosity. Fitch, Filly and Corwin may have gone out from currosity. Fitch, Filly and Corwin may have gone out from currosity. Fitch, Filly and Corwin may have gone out from currosity. Fitch, Filly and Corwin may have gone out from currosity. Fitch, Filly and Corwin may have gone out from currosity also. The "Price boys" may have remained after the witness went to bed, and may have from currosity. Fitch, Filly and Corwin may have gone out from currosity also. The "Price boys" may have remained after the witness went to bed, and may have gone out from currosity. Fitch, Filly and Corwin may have gone out from currosity also. The "Price boys" may have thrown the stones in that occasion and on the other hand they may have gone home and not have thrown the stones. It is not prov

stopes are proved by Wm. Clark. These are probably three of the cases concerning which the witness Welevar has testified. If they are the same, we shall find the explanation of them in his evidence. If they are different and distinct transactions, then we know not who committed the treepasses nor in what circumstances they committed them, and therefore they may be dismissed from our considerstones are proved by Wm. Clark.

alton
6th The next fact consists of menaces of an assault by stones and guns. Hiram Shearman and John B. Cociran testify that, on one occasion, in the night time, while they were lying in wait as spics, "two men came out of Filiy's house and walked along on the track. One of them whistled.—Afterward a third came out with a gun and bayoned. They said the cars run so slow we can do nothing, but if we can do nothing to stone them. but if we can do nothing more we can stone them like bell, and afterward the witness heard the relike bell: and afterward the witness heard the report of two pistols. I reserve comment upon the value of this testimony as affected by the character of the witnesses, they being spies and informers, and remark at present that the transaction, baving been mysterious, and having been observed in the dark, is probably exaggerated. But if it occurred as has been described, then we know not who the two men were who came out of the house unarmed, nor which of them gave the signal, if the whistling was designed as a signal, which is quite uncertain, nor yet who

who came out of the house unarried, nor which of them gave the signal, if the whisting was designed at a signal, which is quite uncertained nor yet who the bandit was who was thus "doubly armed," nor which one of the ruffans it was who spoke of tearing up the track or widering it, nor which one consoled himself and his associates by the seasonable reflection that if they could do no more they could for the early of the could for the early of the could for whicher pistols were fired at the ears or not. The witnesses seem not willing to rely with confected upon their own senses in that respect. But it was knew all this it would still remain true that these lines men are not slentified as defendants in this cause that their conversation amplied no concert for agreement with any other person to commit an assault on that occasion, much less any concert or agreement to commit any assaults or depredations elsewhere, und on any other ownsom. They may have been banded together by previous conspiracy, but, on the other hand, they may have been only accidentally associated. This transaction, therefore throws no light upon the issue of the alleged conspiracy.

calentally associated. This transaction, therefore, throws no light upon the issue of the alleged conspiracy. The Trespass An assault upon the cars with gunsproved by Win. Clark. This occurred in June, 'as the says "the passenger train was fired upon, but without effect, east of the marsh at Michigan Center, four or five or more guns were discharged, the feed of the engine was marked by a bait." but neither this witness nor any other has identified any one of the defendants as having been engaged in that assault or faving any knowledge of it, either before or afterward. They are therefore not responsible for it, and the testimony leads to no conclusion conserning the existence of the alleged consuracy.

Sh. An obstruction of the cars at Michigan. Center, at a period not specified, is proved by Win. Clark. Pieces of timber were found on the track and were brushed off by the brooms," and that is all that Clark knows. His evidence charges nobody in particular and of course affects nobody.

I notice here, to avoid insapprehension, an allusion to a mail car which is alleged to have been burned in June, '48. The only bestimens on that subject is given by Wescott. The transaction is alleged to have taken place west of Jackson. This was beyond the actual bounds of the alleged conspiracy, or at least beyond the limits of the vicinity in which the defendants lived. Wescott stated the fact only upon hearsay, and even that learnsay silves us no information showing who burned the mail car, of what were the circumstances of the crime.

burned the mail car, or what were the circumstances of the crime.

Here there, gentlemen, are seven assaults on the cars with stones, one demonstration against them with a gun or pistols, one assault with guns, one obstruction with timbers, and one alleged burning of a mail car—in all eleven outrages. They are undoubtedly to be condemned. The actors in them ought to be, and I hope will, be detected and punished but we have no proof that these outrages were countited by all or by any one or more of the defendants on trial here. We have no knowledge of the diremistances under which they were committed. We know that they were rimmal, but we have no evidence that they were preconcerted, nor that they were connected with each other, still less that they were connected with any purpose of burning the

pit at Detroit or any other depot. On the primatherefore of rejecting such evidence as leasts to conclusion concerning the existence of the courtery alleged. I claim that these transactions be within the region where the defendants area.

is within the region where the defendants lived a come next to consider there Aris in which deviations are claimed to be identified as offenders, and of which the attending erromstances are given relaimed to be given. Of this I notice area, the cashing of a hand cornealleged by the witness force of water. He states it has Filley in May 32 anted to borrow a hard car of Millerrefused. Filley and at a hand car should not stay at Michigan Casario. inswered man who broke it knows who did it, and he pro-sty is the man who lives nearest to it." Although link this witness will be found unworthy of credit.

2. An obstruction of the finifrond in '40 or early in the claimed to be proved by Isaac S. Smith. He says the "cars had stopped at the White Bridge by reason of the obstruction of a mid-sill, as I supposed. I went down with Marsh, Terrill, Earl and Grant." Terrill and Grant are defendants. The proof does not show that the cars were obstructed by a mid-sill. If that was the case, Terrill and Grant, the only defendants implicated, certainly del not lay the mud-sill on the track. But Smith says further, that, on returning from the railroad. Terrill fell belief, and that he (Smith) saw Terrill putting a piece of strap rail on the track. Marsh says that Smith pointed out to him the strap iron lying on the track, and he saw Terrill walking away from it. You remainly a sufference of strap rail on the track. He track of the railroad was strewed with broken pieces of the flat or strap rail. It may well be doubted whether Smith hid not mistate what Terrill was doing. These broken strips lying about the track wore liable to be brown upon it, by the cars, whose passing. Such a piece of in could not throw the cars of her much the industry. But if this were the case, the mischerous act was one of sudden or, at least, immediate impulse. It was Terrill's own act, and no other person was concerned at at the time, nor before, nor afterward.

a Amos Van Valen and Geerge Knox reinte, that on a Summer afternoon, when they were driving their rows near the railroad in the vieints of Marshall, they saw Dr. Ebenezer Farnham one of the elected and who resided at hackson, 40 miles drawn from Marshall, but who was then at that place, witking on the track and swinging a piece o atraprior for the purpose, as they supposed, of knocking out the wedges. They described the motion of the Dr. arm in such a monner as to leave no doubt that they mistock his care for an iron bur, and its playful motion for a trespass. However that may have seen, the defendant even with an iron bar, undersuch a motion, could not have displaced a wedge that would not have been shaken out by a passing media.

that would not have been shaken out by a passing cause.

4. The proceeding dwell upon the burning of a cutvert east of Filley's home in June, 31, proved by W. P. Stanton. He says that he was at Filley's that Mrs. Filicy came in and pave the darm that the culvert was on fire. Stanton and Firch went in tosee it. Stanton proposed to get water and put out the fire. Fitch, with his usual smile, ffor he was always pleusant to noe, maswered, you will have to go out of this town to find anybedy to put it out. Fitch's remark certainly does not show that he or any other person fired the culvert. It was a suggestion naturally arising from the aggravated liste of public feeling in that town, but if proves no previous anowledge nor design on the part of Fileh, much less of any other defendant. The transaction, however, was one capable of being perverted to the use of the informers, and so it was noted in the drary of Phelips and Lake, to be the subject of admissions or declarations made by the defendant. Lake says that Phelips asked Filley how it was done. Filley replied, "we can say the wind blew the rails in the culvert and the engine dropped fire upon them." But Lake informs is that Filley says that the deferment. But Lake informs is that Filley says that the deferment.

orm's about the board-kin in the norming and he thought they corresponded to Filley's foot lindson asked Filley if he burned the lumber. Filley replied, "there shall be no fonce much till they settle with me for the land," Isaac Minkler says that Fulley spoke of the accident and said the lumber took fire, that he smiled and scene d glad of it."

I will not speak of the danger of convicting men I will not speak of the danger of convicting menupon scales and seconds, and upon inferences from
indirect admissions, but will grant, for the sake of
argument, that Filley fired the lumber which had
been deposited there to build a fence, for the purpose
of obliging the Raifroad Company to pay him for
the land to be fenced and then I say that the act
was a secret misdemeaner. It was his own solitary
act, resulting from his own individual impulse, sommitted for his own improper purpose of interest or
of revenge, without accomplice, and without consultation or concert with any other defendant, and
at therefore excludes all idea of connection with the therefore excludes all idea of connection with the

leged conspiracy.

6. Jacob Wolver describes an attempt to obstruc-6. Jacob Woliver describes an attempt to obstruct the cars near Michigan Centre in September, 500 and Corwin went to Fitch's yard and got an old mill from that was lying there. We laid the bar in the freg of the switch. The cars cid not run of. Corwin proposed at saying "we will throw them of said keep them here to-night." The next morning Fitch said, "you must not take anything from my house or they will suspect me. Take anything else you can find, but nothing from my house." Corwin is a defendant, and if this statement is true, this trespass originated in his own solitary singestion. No other defendant was an accomplice. It was inpremediated even by Corwin and Wolevar. Fitch's showledge of it was acquired the next moring and premoditated even by Corwin and Wolevar. Fitch's knowledge of it was acquired the next moring and no other defendant ever knew it until the transaction was proved in this court. Fitch's rebuke is swidently perverted so as to imply a pleasure in such depredations but even as it stands, it effectually disproves concert in the trespass, and that is all that is necessary for the present purpose.

The engine, the Rosset, was thrown off at Michigan Center about the 18th of October. Sherman says. "It asked Corwin what was the matter. Cor-

An engine, the Rocket, was thrown of at Michigan Center about the 28th of October. Sherman says, "I asked Corwin what was the matter. Corwin answered that Spauldine had said to him. Well, Ell, you have run us of this time, and that Corwin added. Fil learn old Spaulding not to insultime. We threw them off and mean to give them hell right along for a month. Fil let old Spaulding know there will be more done for a month to come than there will be more done for a wonth to come than there has been for a year past. The word me is dwell upon by the prosecution, but who does that "we mean! If any body, it means, beside Corwin. Well-yer and Sherman, who are not defendants, that is, for the present purpose, it means Corwin, alone. The threat is Cerwin's only. The "hell threat-ened in that vocabulary word, so far as it has been explained here, meant obstruction of the cars and assailing them with stones or guns in Leoni and its womity, and comprehended no more. By no fair implication can it be made to indicate the destruction of Railroad Depois at distant places. The threat was passionate, turbulent, maincious, felonous, fiendish if you please, for I do not mean to palliate the misconduct of any of these defendants. Nevertheless it indicates no pre-concert in any crime actually committed, nor certainly any ulterior design to commit greater crimes elsewhere, but, only to prosecute similar offenses at the same point of conflict.

committed, nor certainly any ulterior design to commit greater crimes clewhere, but, only to prosecute
storiar offenses at the same point of conflet.

S. We have next a buffled design to detach some
cars from the freight train, near Michigan Center, in
November, 1850, for the purpose of producing a colhistor between the part detached and the mooning
train. Sherman says, "I went to Terrill's store. A
treight train came along very slow. Corwin then
said, 'Let us cut 'cm off, and the next train that
comes along will run into the cars.' We went up to
the cars to cut 'cm off. The conductor was sitting
on the top. Corwin said, 'G-d-d-n him, let us
Lock him off with a stone,' and looked around but
found no stone. Corwin said, 'Next time we will
go down to the old tavera, there is plenty of brick
there, and we will give them h-ill."

The criminal and inhuman purpose here disclosed

The criminal and inhuman purpose here disclosed was the unconcerted and unpremeditated thought of the defendant Corwin alone, and therefore the atompt to execute it in the manner described by the witness, furnishes no evidence of the supposed con

spiracy.

9. An attempt was made to displace the rade east

"Filley asked me to go with him I im going to give em hell to a triat at the east em of the section. This was an hore dider cark himsy and. I must look around and see if any one is common. Hetries to set the east so that one but crossed the other. He can not three makes. He said to grossed the other, two of three makes. He said to guessed that was enough. We can do an more, and we will no home. His design was to injure the Company all he hould, and held be downed if he duri doubt a hasming this testimony to be true, this for fine art beaut with Filley, and one of with him and Wolver only. The explanation which accompanied it, showed that it was some motive of private histories artifaction that prompted the transaction. No one else advised it has poole else the transaction.

of a lollewed, and it furnishes no evidence in support of the prefended conspiracy.

12 The cars were again assared with stones, according to Wolver, in September, 1830. He says, that the prefended conspiracy.

13 The cars were again assared with stones, according to Wolver, in September, 1830. He says, the test to stone the cars. (Wolver is always innocent to stone the cars. (Wolver is always innocent to the yields with wonderful case to sestimation.)

14 We went beyond Fitch's garden and there threw stones. We heard risas ratio and I found glass there the next day. The transaction is subject to the strictures before made.

14 An engine, the Gollain, was thrown off the track at Leon. Sherman states that Corwin said when the tollaih was thrown off he went home, fouring it hadn't be en done up right, but by morning he found it had been done up frown. It II Bings for an assays that he was traveling from Micharan Cer-

ing. The three their fetured to know. Holesomb and Sherman put up Corwin's horses while he want and standard the cars. Cowin came took and said it was all right. One of the doors of the cars was bell open. It is fire saferwards came up. Prece proposed to urins. They drank at Filley's Piley asked me if i was going a fishing. I said yes Corwin pot an say. Price said he hadr't the first bonde to say by the said he hadr't the first bonde to say by the said he hadr't he first bonde to say by the said he hadr't he first bonde to say by the said he hadr't he first bonde to say by the said he hadr't he first bonde to say by the said he hadr't he first bonde to say he had a hadr't and said for any hing to drank wheat they come back there was a bottle, and, if that was not enough, they knew where the key was. Corwin, Price and Sherman set the wood pile on fire indiverse arrested in pursuance, of an arrangement preconcerted by Sherman with the agents of the R. R. Co., Sherman advect that on their way to Michagan Centre, he asked what they were going to do with the four! Corwin said, as big a man as Fitch is, i'd as soon let him brow it as not. He will keep me along with it and out of it.

I exclude for the present, for an obvious reason, the evalence of The ps. involving adminisous alleged to have been made by Fitch and other defendants, all interested in screening Corwin from this crune. That will come up more properly in another part of the case. Standing then upon the testimony of Sherman anneal, it is apparent that thus crune was corwingly and he is down in the suggestion of Price, that it might be necessary to fight. I do not know whether fishing at Michigan Center, in those times who had suggestion at the manneal. There is no reason to suppose that Filley's no mark counceted with any other crune before or abriwards. Conwent purpose, except what is found in the suggestion of Price, that it might be necessary to fight. I do not know whether fishing at Michigan Center, in those times what had been an infavorable opinio

code of the interded crime, and an apport of the transaction out of the evidence in support of the cotspiracy.

16. The "Unzelle" engine was thrown off the track near the dry marsh at Michigan Center, Aug. 20, 1850. Woliver, as usual, was here and historian. "I was at Price's haying for Filley. Filley came up and proposed to throw the cars off. (Ofccurse, he did., "We took an iron bar from Pennfeld's sawmall, and an axe from Price's—Filley, the two Prices and myself. We broke the chairs, moved the track asice, and threw off the western train instead of the eastern. I west back to Price's. They said no matter how many were killed. Damin you, don't you say a word about it." This transaction, then, if you say a word about it." This transaction, then, if we have the chairs we have an account to the price's the work of the western train and the case of the chairs. you say a word about it." This transaction, then, if Woliver is to be believed, was singrested by Filley, adopted by the two Prices and Woliver, and executed by them all within the space of two hours from its suggestion. Only three defendants were engaged in it, and they suddenly, without the participation of knowledge of the other defendants. It was a desuitory crime, and black and terrible is it was, was nevertheless disconnected with any other transactions, whatever their character night be it not only furnishes to evidence of a conspiracy but, as explained, repels the idea of such a conspiracy as is alleged. But this transaction of the Gazelle reappears in two other versions.

explaintees of the stransaction of the alleged. But this transaction of the pears in two other versions.

First, there is an attempt to connect the defendant, Willard I. Champlin, with it. Taylor produces a paper which he says was found steking out from under some wood in the culvert when the transaction occurred, which is marked. The Price Boys too occurred, which is marked. The Price Boys too occurred, which is marked.

words

Michigan Centre, Aug. 19, 18.0

Michigan Centre, Aug. 19, 18.0

Michigan Centre, and the held state this side Level, on Monday might at about half-past 50-close. We intend to run the cars somewhears about there, begins and he there at the time. By order of the Committee. W. Chanzilan It was permatted to be read, upon the opinion expressed by Holmes that it was in the handwriting of the defendant, Whilard W. Champlin, but at a subsequent stage of the trial, Holmes, who appears to be an honest and a truthful witness, came upon the stand and declared, that after further examination. stand and declared, that after further examination of the writing, and comparison of it with other known writings of the defendant, he was of own on

in his extreme wissow. Joseph Wells test the and Miner IT. Lawock, one of the defendences end pixels from File at his bedroom in the month of August, 1850." He says and dark, and Files, after delivering the sent into a shed and there delivered to the

consider the got into this scrape. J. V. Carmer, an according respectable man, was that Joshua Wellstock him, when speaking of the attitude in which he shood as a witness to be examined, "unless I had come out for the R. R. Co. I should now be where they are 'that is, in all under an independent for burning the depart. Carmer adds "I sail to him I understand that Fuch requested you to shoot one of the engineers." He said it was not so, and he never thought of it. As for Lacock, the declaration' inguited to him are sufficiently contradicted by the fact that reliesing to testify for the R. R. Co. in corroduction of Weils and Caswell, he lost his position in their employment and took his place among the decrements, and "as now where it y are." You are prepared then, I think, to recur with favor to that incoming scene in the trial when Amanda Fitch, the adopted daughter of Abel F. Fitch, she of whom he main the very last words he intered "poor, dear full amanda, I had quite forgotten her, remember me to zer —I say you will recall with pleasure the owner, when that child, of only fourteen years, supeared upon the stand and; are her account of the earnest tion of which vein informers have manufactured a tale so fail of herrors. "Mr. Fitch was standing in his desk. Lacock and Wells came to the window, which was open. Lacock and Wells came to the window, which was open. Lacock said, "Fitch, I want to borrow your pistois." Fitch took them down from the desk, wiped them of, and handed them to him Lacock and, "Fitch, I want to borrow your pistois." Fitch took them down from the desk, wiped them of, and handed them to him. the dies, wiped them off, and handed them to him Lacock said. "Fitch, I want some paper." Mr. Fitch asked not to set some paper," and then taking up a piece of newspaper tying by his side, he said, "there seeme," and handed it to Lacock, Lacock and Wells withbrew. Mr. Fitch resumed the examination of his account book, then laid it by, took up his flure, sat down in the sitting room, and remained there until a period too late to allow of the occurrence which is alleged to have taken place in the agent sheet. You remember the womanike firmness had neverty with which the testimony was given you remember how, during nearly half a day, this child tailfied the studied arts of the able counsel, in heir attempt to entrap her and to involve her in self-contradiction.

contradiction.

I do not dwell upon the attempt to contradict names Pitch by the testimony of Euphemia Coy.

I a point which was irrelevant and trivial, to wit, a doing a stance rendered to Ananda in preparative resistance rendered to Ananda in preparative resistance by the mother. That mother has pressed here and has been offered to sustain her aughter's denial of such assistance.

Gendermen, you have heard Amanda Fitch's recital, at the by Delamater and Carmer, and by

Gentlemen, you have beard Amanda Fitch's cental, confirmed as it is by Delamater and Carmer, and by the searcely less than martyrdem of Lances. Weigh a against the testimony of Weils and Caswell, unpenched as they stand by self-contradictions. There is purior; on one side or the other. It is for you to decide whether it is on the part of the informers who sustain this prosecution, or on the part of this child. It grew into a proverb in ancient Rome, that in seasons of public contusion a curren could not be quietly undone, nor could his family escape from being involved in his rum. The defendant Fitch has been harried from his castale into his grave. His wife, when she appeared upon the stant a lawful witness to redeem his many from reproach, has been refused when she appeared upon the stand a lawful witness to redeem his name from reproach, has been refused a bearing, because she had become a wdow too late. Complete, if you will and if you can, this domestic desolation, by stamping the brand of perjury upon the brow of that cherished orphan child, but remember, before you do so, that you and I, among those surious excursions which have reherted the weariness of this protracted trial, once visited together the state prison of Michigan, and that we found there one hundred and fifty malefactors, all of whom were men, and that within those dreary walls there was found not one woman. of one woman. Thus, there are seventeen overt acts attended by

reconstantial explanations to wit. One, breaking a hand-our by Filies alone, rejected as a trivial, ersonal and unpremedidated transaction, one, obpersonal and unpremedidated transaction; one, ob-struction by a mud-sill, and by strap-iron, charged against the defendant, Terrill, alone, insufficiently proved, and trivial, if proved one, like charge against Dr. Farnham, rejected, as both trivial and faise one, burning a culvert, rejected because the evidence is insufficient and contradictory one, burning of a pile of lumier, an act of personal re-taliation by one of the defendants alone, one, al-tempt to obstruct the cars, by placing a spindle to a switch, in which only one defendant was concerned one, throwing the engine "Rocket" from the track. which was Corwin's individual act one, design by Corwin to detach the freight-cars, proceeding from sudden impulse, and not carried into execution one obstruction of the cars west of the switch, by

the two Prices in three. No other defendants were connected with them by actual cooperation, no one are of personners by any other defendant with the appressers has been established, not one instance of justly how edge by any of the other cefendants has been proved, for has a case occurred among them all, of an appression committed in pursuance of a previous design, or plan formed of projected even by the defendants who committed it. You will readily agree that if a conspiracy such as is alleged by the prosecution did exist. Wollver, Caswell and Sherman were guilty parties in it, yet you see at once that, although you could convict them of so many im as committed, by their own confession, you will not for a moment uphold an incictment against them.

The procedures, scatteness, approach so, that, in difficults to the overt arts of the defendants, they outly give in evidence the fact that mimerous, even any unlawful meetings were held by them, in which key framed the stupendous consuracy which is pro-

2 There was never as unlawful assemblage of the defendants.

3. There never was a meeting or gathering of all the defendants nor of half of them, nor even of a fourth of their numbers.

4. Those who came together at any one time were rever the same persons who came forether on a previous or on a subsequent time. Whether the number who came together was greater or less, they came together always in the most public places. They came together at the post-office, in the day time, and in the early hours of the evening.

5. They came together as accident determined, on their way to or from the mill, from the black-simply shop, from the village store. Their way to or from the mill, from the black-simply shop, from the village store. Their assemblages, such as they were, were open to all comers, whether village pessine or travelers. There was no tyler at the door. It stood wide open. These modern forty threves had no open sessure nor effects exame to severe themselves against intrusion nor against detection. They were neighbors who rame together, sometimes two, sometime three, four, as a reight most frequently in the only village bur-room, and the traveler, so the laboring man of the village, whether white or black, whether in the interest of the Railroad Company or against the differential process.

wages low. that he heard not much about cattle being shiled. They planned nothing, nother the burning of depots, nor assaults upon cars with stones and musicular nor assaults upon cars with stones and musicular linear they discoursed in threats it was individual impulsive, possionate, but note threats, it was just like what often occurs in every village har room in the State, and in the United States. They talked by squads, and drank by piatoons. To hold such gutherness of citizens to be seditious assettings is a construction forced, false and fraudulent. To present such meetings in a court of Justice as evaluace of a corspiracy is to compare against the freedom of the citizen.

If then a construction forced, false and fraudulent a committed or from deliberations of meetings held there. And this brangs us to the proof, fally, of individual declarations and admissions. In regard to this class of lestimony, I am obliged to confess that the difficulty consists not so inchin a deficiency as to omnetity, or perhaps even of directness as in the absolute unreliability of the testimony itself. The Rathroad Company, mable to convince the farmers of Jackson County that half price was enoughforcattle destroyed, and unable to convince the farmers of Jackson County that half price was enoughforcattle destroyed, and unable to arrest the depredations which were committed by way of reprisal resorted to a system of exponage. On the 19th of August 19, they effered a reward of \$200 for proof sufficient to convict are one person of any one unlawful overt act, past present or to come. I am not complaining of this. It becomes necessary to open this system before you for the purpose of testing the value of the evicence which has been procured by it. The Railroad Company employed a corps of space to watch and to currentwent suspected citizens, paying them corps was is unknown. But it numbered one hundred at one time, and no less than fifteen of its members have appeared form the State Prison Van Arman, a lawyer from the state Prison a

Kach betom still improve with added hes.

A corporation, explying a monopoly of carrying the remons and property of calizens over a great national Lighway and deriving from it an income exceeding by three-fold the revenues of the State, has become in this season of alarm, a power behind the the State greater than the State itself, and now we see the wisdom of a saying of the son of Strach, himself a sovereign. Beyond a doubt his own court was infested by a nest of caterpillars inke these when he admonished the unwary. Curse not the fine even in thy bedehamber, for a bird of the air shall carry thy voice, and that which hall wings shall tell of the matter.

Regarding these witnesses as mere spies and informers, unconvicted of crime, uncontradicted and unimpeached, what is their moral standard in a virtuous commonwealth. Hear what Addison and, for he was restenly a moralist but a secretary of State. A man who is capable of so infamous a calling as that of spy is not much to be relied upon. He can have no great ties of honor or checks of conscience to restrain him in those covert evidences, where the

of the marsh, at Michigan Centre in Scatemoer, 1858. I that it was not, that he thought it re-emodel more according to the statement of Wolver. He says, the hancwriting of the winess Taylor, who produced the statement of Wolver. He says, the hancwriting of the winess Taylor, who produced the statement of Wolver. He says, the hancwriting of the winess Taylor, who produced the statement of Wolver. He says, the hancwriting of the winess Taylor, who produced the statement of the says. I than it did that of the says that the case of the says that which is rese. There will be no cassion for him, if he do not hear and see things and the term the real that is wise morality, and it has been universally received, and if there is so und philisophy in the old Spanish proverb. "bad the crow had the egg, we shall be at no loss to appress to the original terms of the state of the crown had the egg, we shall be at no loss to appress to the original terms. It is mountain of the shoot with here and there agrain of truth. When I look upon the men who occups the place on expendit on the state of the state its farmers, its mechanics and citizens; and then on this legion of spees, and find there on the mitness's shand convices yet wearing the look and the rait contracted in the State Prison, and see others come recking from the stews of the city, I make mastly cannot be real! Does honesty deseit in the peritentiary and convices yet wearing the look state! Is the city pure and the country polluted! Has truth fied from the hearth of the farmer in the country and taken shelter in the purious of the morrouls. No! I am not in Monigan. I am in Venew where an armstocratic Senate keeps always open the hon's mouth, as well by day as by night, gaping or menuations against the pleaten and the putrot. I am in Syracuse, and see before me the dungoon which the tyrant has constructed with cells in which has imprisoned those he tens, and constructed its walls on the model of the human car, so that its currents channels convey to him even suppressed ground, and sighs, and whespered complaints. hannels convey to him even suppressed ground

testant Episcopal Church of the Diocese of New-York. SECOND DAY-Morrisa Session.

THURSDAY, Sept. 25.

The attendance at the Convention this morning was large, and the galleries were well filled with spectators. At 9 o'clock the Convention was opened with the Order for Morning Prayer, by Rev WM. F. Harsen of Sing Sing, assisted by Rev. Saw and Bundle of Poughkeepsie.

After a recess, at 10 o'clock the Convention was called to order by the President, Rev. Dr. Creighton of Tarrytown, West hester Co.

The minutes were read by the Secretary, Ros Ber amin I. Haight, of this City. Professor of The ology in the Episcopal Seminary, and approved After the minutes were read, certificates from tay

After the minutes were read, certificates from tay delegates, not vel presented, were received, among which Hon. Zadock Pratt, of Prattsville, three actor, responded to his name, as delegate from Grace Church, in that village.

The names of members of the Convention not present yesterday were then called—after which, the Report of the Committee on the Incorporation of Churches was read by Chief-Justice Jones. The following were reported as approved 3: Paul's, Kinderhook, St. Michael's, Brooklyn, St. Mark's, Richmond. St. Mark's, Brooklyn, All Saints', Brooklyn, Christ Church, Castleton, Richmond Co., St. Mark's, New astle, Westchester.

The certificate of the Church of the Messiah, (colored.) is in proper form, but imperfect, as it wants the endorsement by the Standing Committee.

The question on the admission of this Church, a colored church of this city, coming up, Ker, Mr. Laonard, of Emanuel church, moved to lay the whole subject on the table. After some discussion, Mr. Hill moved to receive the Church, but Mr. Laonard, pressed his motion to lay the whole subject on the table. His reasons were that that the great press of business demanded all the time of the Convention, and that the discussion would likely draw forth a great deal of feeling, evidence of which, was very soon given. Jones Jay, Esq., urged attention to this matter, but by a large vote it was laid upon the table.

The admission of additional delegates was now

The admission of additional delegates was now

this matter, but by a large vote it was laid upon the table.

The admission of additional delegates was now proceeded with.

The report of the Standing Committee being the earlief for, by Dr. Anthon, it was read by the Secretary, Rev. Benjamin I Haight.

Committee organized in Dec. 1850. Rev. Dr. Berten, President. Their report of proceedings was long, and gave a detailed statement of the Episcopal services in the Diocese of Bishop Chase of New-Hampshire, who exercises the Episcopal office at the present time. Examined and ordained T deacons and a practs: deposed I from the ministry, admitted 656 to confirmation; delivered 35 addresses, and visited 36 churches.

Bishop Deliancey's Report followed that of Bishop Chase, the recapitulation of which states that he had ordained and examined 6 deacons. I priest, constrained, 47, visited Churches, 43. Addresses, 49, consecrated 2 Churches, matried one couple, baptized one person. General aggregate, 1,62 continuations in 71 Churches, ordinations, 8 deacons and 5 priests, 273 elergymen and 220 congregations. Out of 272 elergymen in the Diocese, but one has died.—Rev. 6. W. Clark, of Whilamsburgh.

The Commissioners appointed to imquire into the case of several clergymen, Messra, Selkirk, Walker, and Sterling, reported in favor of the acquittal of Mr. Selkirk, Mr. Walker is still under trial, and Rev. Mr. Selkirk, has been suspended for one year, unless he give evidence of rependance.

Ev. E. P. Warrens is to be tried this week. Rev. F. S. White deposed at his own request.

The Report was accepted, and followed by the reading of the documents thereto appended. The first paper gave a bistory of the proceedings in the case of New York, with the reply of the Convension of Bishops to the Memorial or the Diocese of New York, with the reply of the Convension of Bishops to the Memorial or the Diocese of New York, with the reply of the Convension of Bishops to the Memorial or the Diocese of New York, with the reply of the Convension of Bishops to the Memorial or the Diocese of N

Church.

Moved by Dr. Tyng, and seconded, that the Report and Protest be referred to a Special Committee.

Carried.

Rev. Dr. Schroeder moved to proceed to the spe

cial order of the day. The Chair decided could not be done without a two thrids vote. Hon. John C. Spencer appealed. The q was taken by a rising vote, when the Conventi The sparring in regard to the order of business having elicited some feeling, this result produced a

a laugh all over the house.

aperial order then came up, in the shape of resolution in (red, That the subject of the election of a Provisional to be the stay of order for the election of a Provisional

Resolvest. That the subject of the election of a Provisional Bahop he the spacial order to 12 o'clock to-morrow.

Rev. Dr. Schroeder spoke on the resolution. The Diocese is in an anomalous condition—it is in a painful condition. We have discordant notes among us, we must proceed as they do in music, destroy one discord by another, and thus by the concord of discords to produce perfect harmony. We must then cleet a Provisional Bishop. But before we elect a Provisional Bishop But before we elect a Provisional Bishop we must make some provision for him, we must inquire where the funds are to come from for his support. On these grounds he called for the Report of the Committee on the Episcopal Fund.

This report stated that they had written to Dr. Onderdonk in regard to his claim, but had roceived no reply.

no reply.

Mr. Hill, of Albuny, a lay Delegate, moved that the Convention proceed to bullot for a Provisional

Dr. Schroeder entered his solemn protest, and he Dr. Schroeder entered his solemn protest, and he desired it to be remembered, against a too hasty procedure in this important matter. Let us beware how we put impediments in the way of our Bishop. Deficent phases may come over the House of Bishops before our ravered Bishop dies the wheel may turn round, and his sky may brighten. Let us be cautious, then, in our proceedings.

The motion of Mr. Hill was now put, and carried, with but one or two dissenting voices, that the House proceed to the election of a Provisional Bishop.

Before the election, the President suggested to the convention that, in proceeding in so imports matter as the election of a Bishop, the House sh spend some time in prayer, and called the men After singing the three closing stanzas of the 61st

After singing the three closing Manzas of the wisk Paslin, prayer by the Rev. Chairman, and some connects spent in stient devotion, the President an-pounced as Tellers on the Clerical vote; Rev. Dr. Higher, Hon. Luther Bradish, Mr. G. W. Mitchell, Tellers on the Lay vote; Rev. Dr. Hawks, Hon. John A. Dix, Rev. Mr. Ward. The Convention proceeded to ballot for Provis-tional Bishop.

DISGRACEFUL RIOT .- At Oswego Center rearful riot took place on Wednesday, 17th. There as a ball at a public house, and seven or eight unken rowdies got in among the dancers. A row sued and the rowdies were ejected. They returned ensued and the rowdies were ejected. They returned to the enarge, largely reenforced, and stormed the house. The ladies fled through a window 10 feet high and the gentlemen followed. The Orneego Times thus describes the retreat: "All made a precipitous retreat, young men and maidens, bullies and faithing men, the proprietor of the house and family. Some took shelter in a field of corn, others at a neighboring house, and others in various places."

DESTRUCTIVE FIRE IN LE ROY .-- On Saturday morning last, a fire occurred in the village of the Roy, several old shanties were burned.

The Six Indian Chiefs who lately visited Washington, have arrived at Galena (Ill.)